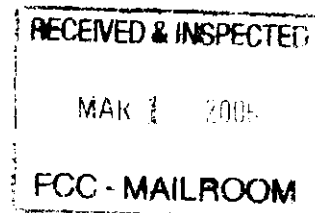


BASSO BASSO



February 22, 2006

Federal Communications Commission

Office of the Secretary

445 12th Street, SW

Washington, D C 20554

Re CC Docket No. 02-6, Docket No.96-45, "Request for Review"

Dear Mr. Secretary:

The Eastern Upper Peninsula ISD has retained our firm to file this appeal on their behalf. I have attached a letter authorizing me to file this appeal.

This is an appeal submitted by the Eastern Upper Peninsula ISD, billed entity number 131702, concerning Form 471 Application Number 471037, which included funding request numbers 1297496 and 1297504, and Form 471 Application Number 496866, which included funding request numbers 1293672, 1293698, 1293717 and 1293898.

This appeal arises out of denials by the Schools and Libraries Division (SLD) of an appeal of the above referenced funding requests. The SLD issued its decisions on appeal, by letters dated December 28, 2005(Attachment A). The appeals which were filed with the SLD arose out of September 21, 2005 funding denial letters reducing the discount awarded to appellant to 25% due to appellant's inability to verify the free and reduced lunch program participants.

The appellant filed a letter of appeal dated November 21, 2005, requesting that the original discounted amount of 80% be reinstated and further explained that "due to circumstances beyond our control, we could not obtain the official Lunch program numbers when requested".

This appeal resulted in the SLD's Decision on Appeal, dated December 28, 2005, referenced above.

The appellant respectfully requests that the Federal Communications Commission grant its request to reinstate the 80% discounted rate which appellant is entitled.

Appellant does not dispute the fact that the SLD on two separate occasions, August 5,

Appellant responded to the first request on August 17, 2005, with a fax to Ralph Bongco, initial reviewer, Program Integrity Assurance of the SLD. The response included an email indicating the number of free and reduced lunch program students.

Appellant received the second request indicating that the response to the August 5, 2005 request was incomplete. Because appellant did not respond within seven (7) days the SLD reduced the appellant's discounted rate to 25% by letter dated September 21, 2005.

The appellant responded on October 17, 2005 with a fax to Ralph Bongco (Attachment B) which stated: "Due to circumstances beyond our control we could not obtain the official Lunch Program numbers when requested by you from our qualifying district. Please find attached the supporting documentation which lists the ISD's free and reduced numbers proving our applications at a 80% discount." The attachment referred to was on Rudyard Area Schools letterhead and stated: "Rudyard Area Schools keeps all records for the Lunch program that the Eastern Upper Peninsula intermediate School District students attend. In the school year 2004/2005 there were on record 23 students that were eligible for the free lunch program and 6 students that were eligible under the reduced lunch program." The document was from Camie Hansen, Business Manager for the Rudyard Area Schools.

The appellant's November 21, 2005, letter of appeal to the SLD indicated: "Due to circumstances beyond our control, we could not obtain the official Lunch Program numbers when requested from our qualifying district."

The SLD's Decision on Appeal was based on the fact that "Upon thorough review of the appeal letter and the relevant documentation, the SLD has determined that you failed to respond to the Program Integrity Assurance (PIA) in a timely manner."

The appellant admits that it was not timely with its responses. Appellant indicated in its earlier response that there were "circumstances beyond our control". However, appellant did not adequately explain the situation. Appellant's students participate in the lunch program from another school district, i.e. Rudyard and the data resides in the control of that school. Appellant does not have control over the qualifying district, a third party district, and cannot order the third party district to provide free and reduced lunch program information. Appellant also states that it made attempts to get the requested information over the summer of 2005 from Rudyard. Appellant's frustration is demonstrated by an email sent by its Technology Director on September 21, 2005, to the Business Manager of the Rudyard Area Schools to get the requested information. (Attachment C). Please note that it was not until October 17, 2005 that Rudyard finally sent the requested information which was then immediately transmitted to the PIA.

Appellant would ask that its discounted rate be reinstated to 80% based upon the additional information submitted. Further, appellant would argue that although it was not able to submit the requested information in a timely manner, there were extenuating circumstances. Once it finally received the information, it was immediately forwarded to the PIA.

circumstances. Once it finally received the information, it was immediately forwarded to the PIA.

Had the information been submitted in a timely manner, appellant would be eligible for the discounted rate of 80%. The integrity of the E-rate program would not suffer if appellant's appeal is granted. The basis of providing discounted programs is to assist schools and libraries in acquiring the technology necessary to provide schools and students with the best education possible. The fact that a district's inability to respond in a timely manner should not be held against it if, as in the instant case, the district made every effort to secure the information requested and due to the lack of control of getting the information had to rely on another entity to provide that information which was not timely submitted to appellant. Appellant took the requests from the PIA very seriously and attempted to gather the requested information.

Therefore, appellant respectfully requests that the appeal be granted and that appellant's discounted rate be reinstated at 80%.

Sincerely,

Ronald M. Basso

Basso & Basso Legal Services, LLC

PO Box 63

Iron River, MI 49935

ron@bassoandbasso.us

Eastern Upper Peninsula Intermediate School District

315 Armory Place, P. O. Box 883
Sault Ste. Marie, Michigan 49783-2005
(906) 632-3373 Fax (906) 632-1125

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Assistant Superintendent
for General Education
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for Facilities Operations
Suzanne Milion

Director of
Technology/EMC
Michael R. Porter

Superintendent of Programs
Supervisor
Carmie Culp

Project Great Start/Early On

Regional Contact
Becky Davis

Special Education Plan Coordinator

Regional Contact
Rachel Fuerer

February 22, 2006

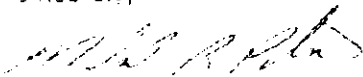
Basso & Basso Consulting Services LLC
Ronald Basso
2017 Ponzio Road
PO Box 63
Iron River MI 49935

Dear Mr. Basso:

The Eastern Upper Peninsula Intermediate School District is retaining your firm to file an appeal on our behalf to the FCC regarding our funding discount.

The EUPISD hereby grants Basso & Basso Consulting Services LLC to act on our behalf regarding the appeal of the SLD denial regarding FRN's 1297496, 1297504, 1293672, 1293698, 1293717 and 1293898.

Sincerely,


Michael R. Porter
Director of Technology

Notice

The Eastern Upper Peninsula Intermediate School District does not discriminate on the basis of race, color, national origin, sex, age, or disability in its programs and activities. If you need this document in an alternative format, please contact the above address, phone number, and/or fax. We have designated a staff member regarding the nondiscrimination policies.

TOTAL P.03



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

December 28, 2005

Michael Porter
Eastern Upper Peninsula Intermediate School District
315 Armory Place
P.O. Box 883
Sault St Marie, MI 49783-2005

Re: Applicant Name: EASTERN UPPER PENINSULA ISD
Billed Entity Number: 131702
Form 471 Application Number: 471037
Funding Request Number(s): 1297496, 1297504
Your Correspondence Dated: November 21, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1297496, 1297504
Decision on Appeal: Denied
Explanation:

- In your appeal letter, you state that due to circumstances beyond your control, you could not obtain the official funding program numbers when requested from the school district. You also explain that although the information was submitted at a later date, your funding was still reduced. In closing, you would like the SLD to increase the discount to the original requested amount of 80%.
- Upon thorough review of the appeal letter and the relevant documentation, the SLD has determined that you failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. After confirming you were available during the summer to provide information regarding your Form 471 application, PIA made contact with you on August 5, 2005, via fax and email, requesting you to

provide discount validation within 7 days. The information that you provided in your response on August 17, 2005 omitted a signed copy of the Reimbursement Claim Form. PIA initiated a second request on August 22, 2005, via fax and email, requesting you to provide discount validation within 7 days. As of September 7, 2005, you failed to provide a complete response to PIA. Per program rules, if there is insufficient documentation to determine the discount for an entity, the minimum allowable discount of 25% for a Rural designation will be used. You have failed to provide evidence on appeal that SLD erred in its original decision.

- During the review of your Form 471, SLD sought additional information from you and notified you that this information needed to be provided within 7 days. You did not provide this information within 7 days or within any extended timeframe we agreed upon, or the information that you provided was insufficient to complete your Form 471 application. Consequently, SLD denies your appeal.
- SLD reviews Form 471 applications and makes funding commitment decisions in compliance with FCC rules. See 47 C.F.R. § 54.500 et. seq. To conduct these reviews, SLD has put in place administrative measures to ensure the prompt resolution of applications. See *Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 4520, DA 03-764, ¶ 6 (rel. Mar. 13, 2003). (Marshall County) One such measure is that applicants are required to respond to SLD's requests for the additional information necessary to complete their application within 7 days of being contacted. Id.; SLD section of the USAC web site, Reference Area, "Deadline for Information Requests," www.sl.universalservice.org/reference/deadline.asp. This procedure is necessary to prevent undue delays during the application review process. See *Marshall County* ¶ 6. If applicants do not respond within this time period, SLD reviews the application based on the information before it.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to FCC, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20549. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

December 28, 2005

Michael Porter
Eastern Upper Peninsula Intermediate School District
315 Armory Place
P.O. Box 883
Sault St Marie, MI 49783-2005

Re: Applicant Name: EASTERN UPPER PENINSULA ISD
Billed Entity Number: 131702
Form 471 Application Number: 469866
Funding Request Number(s): 1293672, 1293698, 1293717, 1293898
Your Correspondence Dated: November 21, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1293672, 1293698, 1293717, 1293898
Decision on Appeal: **Denied**
Explanation:

In your appeal letter, you state that due to circumstances beyond your control, you could not obtain the official lunch program numbers when requested from the school district. You also explain that although the information was submitted at a later date, your funding was still reduced. In closing, you would like the SLD to increase the discount to the original requested amount of 80%.

Upon thorough review of the appeal letter and the relevant documentation, the SLD has determined that you failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. After confirming you were available during the summer to provide information regarding your Form 471 application, PIA made contact with you on August 5, 2005, via fax and email, requesting you to

provide discount validation within 7 days. The information that you provided in your response on August 17, 2005 omitted a signed copy of the Reimbursement Claim Form. PIA initiated a second request on August 22, 2005, via fax and email, requesting you to provide discount validation within 7 days. As of September 7, 2005, you failed to provide a complete response to PIA. Per program rules, if there is insufficient documentation to determine the discount for an entity, the minimum allowable discount of 25% for a Rural designation will be used. You have failed to provide evidence on appeal that SLD erred in its original decision.

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If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to FCC, Office of the Secretary, 445 12th Street, S.W., Washington, DC 20541. Additional information and options for filing an appeal directly with the FCC can be found in the *Appeals Procedure* posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing option.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

EASTERN UPPER PENINSULA ISD
P.O. BOX 883
SAULT STE MARIE MI 49783
906/632-3373 FAX 906/632-1125
James G. Feil, Superintendent

ATTACHMENT B

3 PAGES

FAX COVER SHEET

TO: Rafael Bongro 973-599-6578

FROM: Melissa Gillhooley X 105

DATE: 10-17-05 RE: 471 # 469866 + 471037

THERE SHOULD BE 3 PAGES INCLUDING THIS COVER SHEET.

COMMENTS: _____

Eastern Upper Peninsula Intermediate School District

315 Armory Place, P. O. Box 883
Sault Ste. Marie, Michigan 49783-2005
(906) 632-3373 Fax (906) 632-1125

Peter J. Everson, Superintendent

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Edward Schwiderson

Vice-President:
Julia Kronmeyer

Treasurer:
Mary Formolo

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Assistant Superintendent for
Special Education
Susan S. Kabat

Director of Math/Science
Center
Michelle Ribant

Director of Finance and
Business Operations
Suzanne Millon

Director of
Technology/PLMC
Michael R. Porter

Studyart Center Program
Supervisor
Connie Cullip

Project Great Start/Early On

Regional Contact
Becky Davis

Special Education Plan Coordinator

Regional Contact
Rachel Fuerrer

TO: Rafael Bongco
FROM: Michael R. Porter, Director of Technology
DATE: October 17, 2005
RE: Application Numbers 469866 & 471037

Due to circumstances beyond our control we could not obtain the official Lunch Program numbers when requested by you from our qualifying district.

Please find attached the supporting documentation which lists the ISD's free and reduced numbers proving our applications at a 80% discount. If you have further questions or concerns please call.

Thank you for your time and consideration regarding this matter.

Notice

The Eastern Upper Peninsula Intermediate School District does not discriminate on the basis of race, color, national origin, sex, age, or disability in its programs and activities. Susan S. Kabat, at the above address, phone number, and/or fax, has been designated to handle inquiries regarding the nondiscrimination policies.

RUDYARD AREA SCHOOLS

P.O. BOX 246 · RUDYARD, MI 49780 ·

(906) 478-3771 · FAX: (906) 478-3912

Nancy L. Berkompas, Superintendent

Richard Guimond, H.S. Principal

Richard Smith, M.S. Principal

Richard Smith, Turner-Howson Principal

William Goetz, R.J. Wallis Principal

EXPECTING EXCELLENCE EVERYDAY

Rudyard Area Schools keeps all records for the Lunch program that the Eastern Upper Peninsula Intermediate School District students attend.

In the school year 2004/2005 there was on record 23 students that were eligible for the free lunch program and 6 students that were eligible under the reduced lunch program.

If you have any questions please call me at ext. 107.

Camie Hansen
Business Manager
Rudyard Area Schools

477AC11M0A-1-CL

X-First-Checked: Checked
 X-From: Sender: importer@eup.k12.mi.us
 X-Msg-Ref: server-2.tower-63.message-labs.com!1127315801!52913618!1
 X-StarScan-Version: 5.4.15; banners=eup.k12.mi.us-,eup.k12.mi.us
 X-Originating-IP: [207.75.208.9]
 X-Spam-Whitelisted: IP whitelisted
 X-Mailer: QUALCOMM Windows Eudora Version 6.2.1.2
 Date: Wed, 21 Sep 2005 11:16:43 -0400
 To: cammieh@eup.k12.mi.us
 From: Michael Porter <importer@eup.k12.mi.us>
 Subject: Student Count Data

cammie the first of the month I asked you for a signed copy of our free lunch data on Rudyard School letter head as of this time I have not received that information and the SLD has moved forward with our application.

The SLD has us currently at the 25% discount instead of the 80% that we are eligible for.

Amount \$10,795 % 25 Total funds \$1,798.40

Now I have to go through the appeals process to reinstate the additional \$5,000 on this application and hope that they do not process any other applications before this is completed.

In light of the fact that our department has been working a significant amount for you in the past with SDS upgrade support and direct certification database work I hope that you find time to complete this task soon.

Applicant EASTERN UPPER PENINSULA ISD Congressional District: MI01

Name Contact Phone Address City Zip \$Amount Wave Wave Date Discount(%)

PORTER, MICHAEL PORTER 9801602-3377 315 ARMORY PL SAULT ST MARIE 49783 \$10,795.71 13 9/21/05 25

Michael Porter

Principal, Eastern Upper Peninsula Middle School
 10000 Highway 13, Sault Ste Marie, MI 49783
 Phone: 9801602-3377 Fax: 9801602-3377
 Email: mporter@eup.k12.mi.us
 Website: www.eup.k12.mi.us
 Website: www.mpsd.org
 Website: www.mpsd.org

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